

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re: ) Chapter 9  
 )  
CITY OF DETROIT, MICHIGAN, ) Case No. 13-53846  
 )  
 ) Hon. Steven W. Rhodes  
Debtor. )  
\_\_\_\_\_

**STIPULATION TO ENTRY OF ORDER AUTHORIZING CYNTHIA A.  
THOMAS TO TESTIFY AT CONFIRMATION HEARING  
TELEPHONICALLY**

The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (the “UAW”), the Police and Fire Retirement System of the City of Detroit (“PFRS”), and the General Retirement System of the City of Detroit (“GRS” and together with the PFRS, the “Retirement Systems”) stipulate as follows:

1. On August 13, 2014, counsel for the Retirement Systems accepted service of a Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case (or Adversary Proceeding) (the “Thomas Subpoena”) issued by the UAW, which commanded Cynthia Thomas, the Executive Director of the Retirement Systems, to appear to testify on “August 21, 2014 at 9:00 a.m. continuing on each date of trial.”

2. The UAW was previously scheduled to present its case on September 30, 2014 and October 14, 2014. Ms. Thomas was available to testify in person on both of those dates, but did not do so because those trial dates were adjourned.

3. On October 16, 2014, the Court issued a Notice of Hearing/Continuation of Plan Confirmation Hearing/Trial Focusing on Objections Filed by Library and Cobo Hall Employees and Unions [Dkt. No. 7983] (the “Notice of Hearing”) which set October 20, 2014 at 9:00 a.m. as the date for continuation of the plan confirmation hearing and trial “focusing on objections filed by library and Cobo Hall employees and unions.”

4. Thereafter, the UAW advised the Retirement Systems that Ms. Thomas would be examined on October 20, 2014.

5. Ms. Thomas is unavailable to testify in person on Monday, October 20, 2014. Ms. Thomas is scheduled to attend an out-of-state business meeting on October 20, 2014 with Bank of New York Mellon, the custodial bank of the Retirement Systems, to discuss issues relating to the Retirement Systems’ implementation of the Seventh Amended Plan for the Adjustment of Debts of the City of Detroit (September 16, 2014) [Dkt. No. 7502], as may be further amended, (the “Plan”), should the Plan be confirmed.

6. The UAW and the Retirement Systems agree that Ms. Thomas will make herself available to testify by telephone on Monday, October 20, 2014 at any time on or after 9:00 a.m. (EST).

7. The UAW and the Retirement Systems stipulate to entry of the Order Authorizing Cynthia A. Thomas to Testify at the Confirmation Hearing Telephonically, attached hereto as Exhibit A, (the “Proposed Order”).

8. On October 17, 2014, this Stipulation and the Proposed Order were sent to counsel for the City and counsel for AFSCME by email. AFSCME’s counsel did not respond. Counsel for the City did not approve the Stipulation.

9. The Retirement Systems have entered into this Stipulation in recognition of the outstanding subpoena to Ms. Thomas. However, the Retirement Systems’ entry into this Stipulation should not be construed as taking a position as to whether Ms. Thomas’ testimony should be taken telephonically or taken at all under the facts and circumstances.

**STIPULATED AND AGREED TO BY:**

Dated: October 19, 2014

Respectfully submitted,

COHEN WEISS AND SIMON LLP	CLARK HILL PLC
<p>/s/ <u>Peter D. DeChiara</u> Babette A. Ceccotti Thomas N. Ciantra Peter D. DeChiara Joshua J. Ellison 330 West 42nd Street New York, NY 10036-6976 T: (212) 563-4100 F: (212) 695-5436 <a href="mailto:bceccotti@cwsny.com">bceccotti@cwsny.com</a> <a href="mailto:tciantra@cwsny.com">tciantra@cwsny.com</a> <a href="mailto:pdechiara@cwsny.com">pdechiara@cwsny.com</a> <a href="mailto:jellilson@cwsny.com">jellilson@cwsny.com</a></p> <p>- and -</p> <p>Niraj R. Ganatra (P63150) 8000 East Jefferson Avenue Detroit, MI 48214 T: (313) 926-5216 F: (313) 926-5240 <a href="mailto:nganatra@uaw.net">nganatra@uaw.net</a></p> <p><i>Attorneys for International Union, UAW</i></p>	<p>/s/ <u>Shannon L. Deeby</u> Robert D. Gordon (P48627) Ronald A. King (P45088) Shannon L. Deeby (P60242) 151 S. Old Woodward Avenue Suite 200 Birmingham, Michigan 48009 Telephone: (248) 988-5882 Facsimile: (248) 988-2502 <a href="mailto:rgordon@clarkhill.com">rgordon@clarkhill.com</a> <a href="mailto:sdeeby@clarkhill.com">sdeeby@clarkhill.com</a></p> <p><i>Counsel to the Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit</i></p>

# **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
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CITY OF DETROIT, MICHIGAN, ) Case No. 13-53846  
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 ) Hon. Steven W. Rhodes  
Debtor. )  
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**ORDER AUTHORIZING CYNTHIA A. THOMAS TO TESTIFY AT  
CONFIRMATION HEARING TELEPHONICALLY**

This matter having come before the Court upon the Stipulation of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (the “UAW”), the Police and Fire Retirement System of the City of Detroit (the “PFRS”), and the General Retirement System of the City of Detroit (the “GRS” and together with the PFRS, the “Retirement Systems”); and the Court finding that good cause exists for granting the relief herein;

**IT IS HEREBY ORDERED THAT:**

1. The Stipulation is approved.
2. Cynthia A. Thomas, Executive Director of the Retirement Systems, is authorized to testify at the confirmation hearing on October 20, 2014 telephonically.